

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHARON K. HORNER,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security;

Defendant.

4:11CV3212

ORDER TO SHOW CAUSE

This matter is before the court sua sponte. Plaintiff filed a Title II complaint on November 23, 2011, along with an application to proceed in forma pauperis without prepaying fees or costs of this action. The motion was granted on November 28, 2011. To date no summons has been issued on the defendant in this case.

The court directs plaintiff's counsel to the United States District Court for Nebraska's website, <http://www.ned.uscourts.gov/>, to obtain the form "Summons-Service on the United States." Pursuant to Fed. R. Civ. P. 4(c)(3), upon receipt of the completed summons with a copy of the complaint attached, the Clerk of Court will be directed to forward the summons to the U.S. Marshal for service on the defendant in accordance with Fed. R. Civ. P. 4(i)(1).

The court finds that the plaintiff should be given an opportunity to either: (1) issue summons on the defendant, or (2) show cause why this case should not be dismissed for failure to prosecute. Fed. R. Civ. P. 4(m); NeCivR 41.2

THEREFORE, IT IS ORDERED:

1. That the plaintiff has fifteen days from the date of this order to (1) issue summons on the defendant, or (2) show cause why this case should not be dismissed for failure to prosecute.

2. Upon receipt of the completed summons with a copy of the complaint attached, the Clerk of Court is directed to forward the summons to the U.S. Marshal for service on the defendant in accordance with Fed. R. Civ. P. 4(i)(1).

Dated this 7th day of August, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge